

Emalys between RE: Chelmsford etc (Grattan)
Kim Tan (CRE) and Grattan re: Sunnymead, Valley View
(Chelmsford) and Dale Farm

Subject: RE: Chelmsford etc (Grattan)**Date:** Thu, 13 May 2004 12:44:53 +0100**From:** "Kim Tan" <ktan@cre.gov.uk>**To:** <ustiben.2@ntlworld.com>**CC:** "Gwyneth Dawes" <gdawes@cre.gov.uk>

Hi Grattan,

Thanks for the kind words!

Following our visit to Dale Farm, Basildon, on Tuesday 11 May, you will be pleased to hear that Gwyneth Dawes has written a letter to the Head of Planning at Basildon DC about accommodation at Dale Farm (at a London Conference organised by Andrew Ryder of the TLRC, a comment by some Gypsy & Traveller individuals was that they preferred to use the word "accommodation" and NOT "site"). Her letter was copied to you, as well as other relevant individuals/organisations.

I would like to comment on paragraphs 4 and 5 of your email, though. What I have said was that the statutory Race Equality Duty (imposed on public authorities including local authorities) was a new and has yet to be tested in court. Court ruling could sometimes be stifling if it turns out in favour of public authorities. I was talking in general terms (listed public authorities and all racial groups) and NOT just in the context of local authorities or Chelmsford.

I hope that helps. I'll give you a ring tomorrow, as it's now gone passed 12 noon.

Regards

Kim Tan

Community Affairs Officer - Regeneration
Community Affairs Team
London & South of England Region
Commission for Racial Equality
St Dunstan's House
201-211 Borough High Street
London SE1 1GZ
Tel (DL): 020 7939 0275
ktan@cre.gov.uk

>>> "ustiben.2" <ustiben.2@ntlworld.com> 05/13/04
10:50am >>>

Dear Kim,

It was good to meet up on Tuesday at Dale Farm, even though you had little chance to talk to their spokesman Patrick Egan - because he had to rush to the hospital.

If I may say something personal, I think that you have

somehow been specially chosen for the job you are doing.

I really do. Because your name Tan is the Romani word "tan", which means "place" and more particularly "stopping place", the place chosen for a camp.

English Romanies, like David Steers, say "aching tan" "the stopping place" where their live.

So his "tan" at the moment is under threat from the council - and you come along - named Tan - to take his side. This must mean something.

Of course, the bigger issue is your initiative in taking the first steps towards what could be, as you say, a test case in the courts, which will be national importance.

This, I understand you to mean, is over the issue of the duty of local councils to make an assessment report before an eviction - which Chelmsford appears to be defying.

While pressing ahead with Chelmsford (by reminding them of their duty in David Steers case, and in the case of John Ward and others at Valley View), I think it would be a good idea, as a second string, to start on Basildon over the same issue, in relation to Dale Farm.

Here the council have a whole year to make such an assessment in relation to some 40 or more families required to vacate their "plots" by 13 May 2005. As you heard and saw, they are very worried about this and, because they have nowhere to go, are not willing to leave without an acceptable alternative being provided (they have invested millions in Dale Farm).

I'll have a go at outlining a possible letter to Basildon (see below)

Here are David's details:

Address: Mr and Mrs Steers, "Sunnymead", Ingatestone Road, Highwood, Chelmsford CM1 3QT.

His application for planning permission to live in a mobile home on his own land at this location, as a Gypsy family, was refused on 12 June 2002.

His Appeal was heard on 20 March 2003 and turned down on 7 April on the grounds that his special circumstances and needs

as a Gypsy
did not (in the opinion of the Planning Inspector)
warrant approval
for such a development (one caravan) within the Green
Belt.

The Inspector also brushed aside his reference to
Article 8 of the
European Convention on Human Rights, now part of
the Human Rights
Act 1998, and the educational needs of his their children
saying that
"I consider that alternative arrangements would be
possible".

The Inspector, Roger P.Brown, also notes: "I have
given careful
consideration to an appeal by the Secretary of State in
favour of the
Gypsy appellant, but nothing persuades me from my
conclusion with
regard to the main issues.

The Steers have been served with a notice by
Chelmsford Borough Council
to return then land to its agricultural state and vacate
the site by 17 June next.

You can reach David on 07709634757

To re-enforce the case you are building up against Chelmsford it would also be useful to send a letter in respect of John Ward and the four "plots" at "Valley View"

Chelmsford BC have served notices on "Valley View", Old Barn Road, Rettenden.

The council took direct action in March by placing large concrete blocks across the entrance to the plots, preventing the owners from returning to their land. When they returned on 18 March (having gone away for a short time) council officers tried to stop them going back to their plots. The situation was

saved by the arrival of the chairman of the Gypsy Council

Charles Smith who pointed out that the council had no right to place concrete blocks on private land. And these were then removed.

The notice to quit, based on an Injunction against previous people who lived at Valley View and therefore invalid, has been ignored.

The Community Law Partnership in Birmingham have been engaged by John Ward (and others) to take up the case and there is a hearing in July.

So they are safe for the moment but Chelmsford have clearly showed their intention to close down Valley View.

A letter from CRE, along the lines of your earlier ones re Meadowlands, pointing out their duty to make an impact assessment report, could therefore go in now.

I will continue this in a second email, covering the issue of private companies being used for evictions, and more about Basildon (draft letter).

Grattan

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